

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

MATTHEW BOROWSKI

Plaintiff,

23-CV-257

v.

U.S. CUSTOMS AND BORDER PROTECTION

Defendant.

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE, that the defendant, United States Customs and Border Protection, by its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Mary K. Roach, Assistant United States Attorney, of counsel, will move, and does hereby move this Court at a date and time to be set by the Court an Order pursuant to Rule 56(b) of the Federal Rules of Civil Procedure granting partial summary judgment in favor of defendant United States Customs and Border Protection, dismissing the Second Cause of Action in the Amended Complaint.

The grounds for this motion are set forth in the Declaration of Michael J. Millich, the Declaration of Patrick A. Howard and the attached Vaughn Index, the Memorandum of Law in Support of Motion for Partial Summary Judgment, Defendant's Statement of Material Facts as to Which There is No Genuine Issue To Be Tried, and the Appendix thereto.

PLEASE TAKE NOTICE THAT the motion will be heard at the United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

PLEASE TAKE FURTHER NOTICE THAT defendant intends to serve and file reply papers and, therefore, any papers in opposition to this motion are due at least fourteen days prior to the motion pursuant to Local Rule 7.1(c).

DATED: Buffalo, New York, October 16, 2023.

TRINI E. ROSS
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